

Docket No.: 832_001 DIV3 (LT00043.3 DIV US)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James F. Brown

Ser. No.: 10/798,857

Group Art Unit: 1641

Filed: March 11, 2004

Examiner: Christopher L. Chin

Confirmation No.: 7179

For: METHOD FOR DETECTING THE PRESENCE OF A SINGLE TARGET NUCLEIC
ACID IN A SAMPLE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EFS CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted via EFS to the Patent and
Trademark Office on *September 21, 2009*.

/Cynthia K. Dawn/
Cynthia K. Dawn

**REQUEST FOR CONTINUED EXAMINATION
(37 CFR §1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 CFR §1.114, for
the above identified application.

2. This request is being submitted:

i. ☒ Prior to abandonment of the application

ii. ☐ Payment of the issue fee

☐ Prior to payment of issue fee

☐ Issue fee has been paid but a petition under §1.313 was filed _____
(copy attached).

iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences

☐ A notice is being separately sent to the Board of Patent Appeals & Interferences
that this Request for Continued Examination is being filed.

iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or

☐ Commencement of a civil action under 35 U.S.C. 146

☐ Prior to the filing of such appeal or commencement of civil action

☐ Such appeal or commencement of civil action has been terminated.

3. Please **Enter** and **Consider** the following *Previously Submitted Documents*:

- ☐ Amendment filed _____.
- ☐ Brief on Appeal filed _____.
- ☐ Other:

4. Enclosed herewith is/are:

- ☐ An Information Disclosure Statement and Form PTO-1449
- ☒ An Amendment
- ☒ New arguments
- ☐ New evidence in support of patentability
- ☐ A Request to Correct Inventorship
- ☐ Statement by Person being added as an inventor
- ☐ Declaration Under 37 C.F.R. 1.63 by actual inventors
- ☐ Statement under 3.73(b) expressing assignee's consent

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))						\$810.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present		
Total Claims	131	Minus	131	0	\$50.00	
Independent Claims	34	Minus	34	0	\$210.00	
Multiple Dependent Claim(s) (if applicable)					\$370.00	
<u>Extension of Term</u>						\$1,110.00
a. [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.						
b. [x] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:						
[] One Month (37 CFR 1.17(a)(1)) \$ 130.00						
[] Two Months (37 CFR 1.17(a)(2)) \$ 490.00						
[x] Three Months (37 CFR 1.17(a)(3)) \$1,110.00						
If an additional extension of time is required, please consider this a petition therefor.						
[] An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for						

the total months of extension now requested.	
TOTAL OF ABOVE CALCULATIONS =	\$1,920.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.	
<input type="checkbox"/> Fee set forth in 37 CFR 1.17(i) (Correction of Inventorship)	\$130.00
TOTAL FEES DUE =	\$2,050.00

6. Payment of Fees

☐ A check in the amount of \$_____ is enclosed.

☐ Charge Deposit Account _____ in the amount of \$.

☒ The Total Fees Due were paid via EFS on Form PTO

7. Authorization to Charge Additional Fees or Credit Overpayment

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-3994:

☒ Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

Respectfully submitted,

Date: September 21, 2009

/Kirk E. Pastorian/

Kirk E. Pastorian, Reg. No. 48,756

Attorney for Applicants

Telephone: **(760) 918-4283**

Life Technologies Corporation

Phone: (760) 603-7200

Fax: (760) 476-6048